

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD JENKINS,

Plaintiff,

v.

EXETER BOROUGH, et al.,

Defendants.

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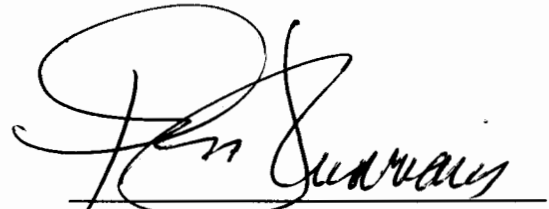
3:15-CV-1353
(JUDGE MARIANI)

ORDER

AND NOW, THIS 8th DAY OF AUGUST, 2017, upon review of Magistrate Judge Saporito's Report & Recommendation, (Doc.35), for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation, (Doc. 35), is **ADOPTED** for the reasons stated therein.
2. Defendant Kachinsky's Motion to Dismiss, (Doc. 29), is **GRANTED**.
3. Plaintiff's Eighth Amendment claim against Defendant Kachinsky for excessive force is **DISMISSED WITH PREJUDICE**
4. Plaintiff's Fourth Amendment claim against Defendant Kachinsky for excessive force is **DISMISSED WITHOUT PREJUDICE**.
 - a. Plaintiff **MAY AMEND** his Fourth Amendment excessive force claim within **twenty-one (21) days** from the date of this Order.

5. The case is **REMANDED** to Magistrate Judge Saporito for further proceedings consistent with this Order.



Robert D. Mariani
United States District Court Judge